

Introduced by Senator Cannella

February 24, 2012

An act to amend Section 21185 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1512, as introduced, Cannella. Environmental quality: California Environmental Quality Act: litigation.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA establishes a streamlined judicial review process for projects certified by the Governor as a leadership project.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 21185 of the Public Resources Code is amended to read:

21185. (a) Notwithstanding any other law, ~~any~~ *an* action or proceeding alleging that a public agency or has approved or is undertaking a leadership project certified by the Governor in violation of this division shall be conducted in accordance with the following streamlining benefits:

(1) The action or proceeding shall be filed in the Court of Appeal with geographic jurisdiction over the project.

(2) ~~Any~~ A party bringing such a claim shall also file concurrently any other claims alleging that a public agency has granted land use approvals for the leadership project in violation of the law. The Court of Appeal shall have original jurisdiction over all those claims.

(3) The Court of Appeal shall issue its decision in the case within 175 days of the filing of the petition.

(4) The court may appoint a master to assist the court in managing and processing the case.

(5) The court may grant extensions of time only for good cause shown and in order to promote the interests of justice.

(b) On or before July 1, 2012, the Judicial Council shall adopt Rules of Court to implement this chapter.